

EXHIBIT 3

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7 *Co-Lead/Liaison Counsel for Plaintiffs*

8 UNITED STATES DISTRICT COURT
9 DISTRICT OF ARIZONA

10
11 In Re Bard IVC Filters Products Liability
12 Litigation

No. MD-15-02641-PHX-DGC

**DECLARATION OF SCOTT
RESNICK, M.D.**

13
14
15 I, Scott Resnick, M.D. declare as follows:

16 1. I am a board-certified Diagnostic Radiologist, with a subspecialty in
17 Interventional Radiology. As such, I have received a certificate of additional qualification
18 in Interventional Radiology, granted by the American Board of Radiology. I am an
19 attending interventional radiologist at Northwestern Memorial Hospital and have actively
20 working in the field for 19 years. I currently hold the title of Associate Professor of
21 Radiology and Surgery at the Northwestern University Feinberg School of Medicine. I
22 completed medical school, radiology residency, and interventional radiology fellowship,
all at Northwestern University. I served as the Director of Interventional Radiology
Fellowship training program for 15 years and have been Director of the Northwestern
Vein Center for 13 years. My clinical interests have included vein and vascular therapies
for the entirety of my career.

23 2. In connection with the 2015 Bard consulting agreement, I received two
24 types of information from Bard's counsel: medical records for an individual case, (Austin
25 case) and a CD containing publicly available medical literature pertaining to IVC filters.

26 3. I did not share any of this information with my colleagues Drs. Desai or
Vogelzang in connection with their reports or otherwise.

27 4. The Vogelzang and Desai reports were based on their clinical experience
28 and their review of medical literature, which they independently developed in their own

1 careers and through their own research and their review of medical literature provided by
2 counsel for plaintiffs.

3 5. I had one meeting with counsel for Bard, attorney Jim Rogers, in connection
4 with the 2015 consulting agreement. Mr. Rogers came to meet me in Chicago. The
5 meeting lasted approximately three hours. We discussed the Austin case. Mr. Rogers told
6 me that although our focus was the Austin case, there were about 50 other cases, which
7 Bard may seek my opinion about.

8 6. At this meeting (or at any time prior to this meeting or after this meeting)
9 we did not discuss (and I was not otherwise provided with information about) Bard's
10 defense theories. Mr. Rogers did not provide me with (and I have never received) any
11 confidential information about Bard's legal defense or strategy.

12 7. I told Mr. Rogers my opinion about problems with the Bard filters in
13 general, which were developed based on my clinical and academic experience, not from
14 any experience consulting with Bard. I was never asked to consult on any of the
15 approximately 50 additional cases that Mr. Rogers mentioned; nor was I ever contacted
16 again by Mr. Rogers or anyone else on behalf of Bard regarding my opinions about the
17 Austin case. It was my impression at the time that based on my opinions about the
18 problems with Bard's retrievable filters, which I shared with Mr. Rogers, Bard and/or its
19 lawyers were not interested in having me serve as an expert witness or consultant on their
20 behalf. No Bard attorney ever followed up with me on the Austin case.

21 8. In connection with expert reports on behalf of plaintiffs done by Drs.
22 Vogelzang and Desai in the Bard MDL, my role in creation of these reports was modest
23 and supportive relative to the signees. In this capacity I reviewed a number of IVCF
24 related journal articles, as well as Bard internal documents provided to me by plaintiff's
25 counsel, reviewed and discussed defense expert reports with the plaintiff expert report
26 signees and plaintiff counsel, and made comments on draft reports following review. I
27 did not share with them any information about the Austin case and did not provide them
28 with any other information that I had received from Bard. The Austin case pertained to a
question of specific causation (consisting of medical record review, which is why I
understood Mr. Rogers provided me with the Austin medical records) in one plaintiff in
state court, not to the issues of medical monitoring and general causation addressed by
Drs. Vogelzang and Desai in the Bard MDL. Their reports addressed their clinical
experience with the Bard retrievable filters, the medical literature, their opinions about
medical monitoring, and their response to selected issues in defense expert reports. Thus
they were the report signees. If these reports represented my opinion then I would have
be a signatory to them.

9. Apart from my consult on the Austin case in 2015, I have consulted for
Bard, both Bard Access Systems, Inc. as well as Bard Peripheral Vascular for many years,
dating back to 2003. During this time, my typical consulting interaction was a product
line review which would entail myself, and on most occasions one or more other

1 consulting physicians, sitting in a conference room into which multiple Bard product
2 teams would enter in sequence, provide a brief presentation of existing products or new
3 products in their team's development pipeline, and then a brief discussion would follow,
4 typically related to product interest, clinical utility, and our assessment of the potential or
5 likely market opportunity for each product. The substantial majority of these discussions
6 involved Bard Access systems, Inc., a division of Bard to which the IVC filters does not
7 belong. A small number of these discussions occurred with Bard Peripheral Vascular, to
8 which the IVC filters did belong. This division also contained many additional products
9 such as traditional angioplasty balloons, drug-eluting angioplasty balloons, bare metal
10 stents, and covered stents (or stent grafts). It was discussions surrounding these non-filter
11 items that occupied the vast majority of our time. IVC filtration was merely one item in a
12 line of many, which we reviewed in succession. Nothing that occurred in the consulting
13 meetings on the product lines, animal study, or the Austin case is relevant to the expert
14 reports done by Drs. Vogelzang and Desai in the Bard MDL.


15 10. I did participate in a pre-existing animal study on 2 separate occasions as
16 part of a single study process wherein I implanted and removed Bard filter prototypes in
17 live sheep. I had no role in developing this protocol but rather followed the protocol as
18 directed and gave my opinion on ease of device implantation and removal. I also made
19 radiographic measurements regarding filter tilt and penetration.

20 11. Subsequently, when I later inquired to Bard Peripheral Vascular IVC filter
21 research leader Mike Randall if I would be involved with further testing I was told Bard
22 Peripheral Vascular had found other physicians to perform these animal tests.

23 12. I did not at any time share with Drs. Vogelzang or Desai any information
24 relating in any way to the animal studies. I also did not share with them any information
25 that I received from Bard. Accordingly, the reports of Drs. Vogelzang and Desai and their
26 expert witness work for plaintiffs in the Bard MDL was not affected or advantaged by
27 my relationship with Bard, my consulting work for Bard Peripheral Vascular, or
28 information I received from Bard in connection with the Austin case specific medical
record review and meeting.

In accordance with 28 U.S. Code § 1746, I declare under penalty of perjury under
the laws of the United States that the foregoing is true and correct and that this declaration
was executed on July __ 2017.

Executed this 27th day of July, 2017 in Chicago, IL

Signature: 

Printed Name: Scott Resnick, M.D.

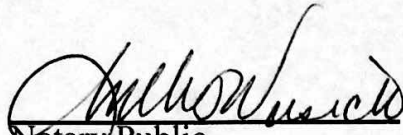
Address: 251 E. Huron St. Chicago, IL 60611

Phone Number: 312-926-8433

Notary:

City/County of Cook


The foregoing declaration was acknowledged before me this 27th day of July, 2017.



Notary Public

My Commission expires 09/09/2017




07.27.2017